

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHRIS MONTANEZ,

Plaintiff,

v.

No. 03-CV-1501  
(FJS/DRH)

M. AMBROSE, et al.,

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Defendants.

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**APPEARANCES:**

**OF COUNSEL:**

CHRIS MONTANEZ  
Plaintiff, Pro Se  
7907 Landmark Street  
Tampa, Florida 33615

HON. ELIOT SPITZER  
Attorney General for the  
State of New York  
Attorney for Defendants  
The Capitol  
Albany, New York 12224

GERALD J. ROCK, ESQ.  
Assistant Attorney General

**FREDERICK J. SCULLIN, JR., C.D.J.:**

**DECISION AND ORDER**

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David R. Homer filed October 20, 2005, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no

objections to said Report-Recommendation having been filed, it is hereby

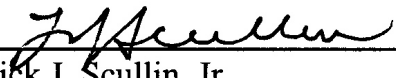
**ORDERED**, that the Report-Recommendation of Magistrate Judge David R. Homer filed October 20, 2005 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

**ORDERED**, that this action is **DISMISSED**, and it is further

**ORDERED**, that the Clerk of the Court enter judgment in favor of Defendants and against the plaintiff and close this case.

**IT IS SO ORDERED.**

DATED: February 13, 2006  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Chief United States District Court Judge